

January 21, 1999

Ms. Barbara G. Heptig
Assistant City Attorney
City of Arlington
620 W. Division Street
Arlington, Texas 76004-1065



OFFICE OF THE
ATTORNEY GENERAL
STATE OF TEXAS

OR99-0151

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 121381.

The Arlington Police Department received a request for report numbers 960155792, 960159711, and 97258032. You contend that the responsive reports, submitted as Exhibits B, C and D, are excepted from disclosure by section 552.101 of the Government Code. We have considered the exception you claim and have reviewed the documents at issue.

You assert that each of the reports is made confidential by section 261.201(a) of the Family Code, and is therefore, protected from disclosure by section 552.101. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." This section encompasses information protected by other statutes. Section 261.201(a) of the Family Code provides that

(a) The following information is confidential, is not subject to public release under Chapter 552, Government Code, and may be disclosed only for purposes consistent with this code and applicable federal or state law or under rules adopted by an investigating agency:

(1) a report of alleged or suspected abuse or neglect made under this chapter and the identity of the person making the report; and

(2) except as otherwise provided in this section, the files, reports, records, communications,

The requested information here consists of "files, reports, records, communications, audiotapes, videotapes, and working papers used or developed" in an investigation conducted under chapter 261 of the Family Code. Family Code §§ 261.001(1)(a)(C), 261.103(1). Based on your representations, we conclude that subsection (a) is applicable to the requested information. Thus, you must withhold the requested information under section 552.101.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Don Ballard
Assistant Attorney General
Open Records Division

JDB\nc

Ref: ID# 121381

Enclosures: Submitted documents

cc: Ms. Donna Coats
2121 East Mitchell Street
Arlington, Texas 76101
(w/o enclosures)